

February 17, 2011

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
FEB 23 2011 ★
BROOKLYN OFFICE

The Honorable I. Leo Glasser
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y., 11201

Re: United States v. Dmitriy Yakovlev, 09cr587


Dear Judge Glasser:

I respectfully request reconsideration of my request to copy photos that are in evidence in the case currently on trial. I was not present when the government broached my request with The Court and I did not have an opportunity to respond to objections by the defense.

The photos that I requested have been viewed by the jury and Mr. Gold even referenced the photo of the Halloween mask in his opening argument so clearly there can be no prejudice to the defendant if the photos are reproduced in The Daily News.

In this District the press has routinely been granted access to copy photos in evidence which depict the victim, the defendant, co-defendants and co-conspirators and cooperating witnesses.

"The presumption of openness (in a criminal matter) may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest. The interest is to be articulated along with findings specific enough that a reviewing court can determine whether the closure order was properly entered." Press-Enterprise Co. v. Superior Court of California, 464 U.S. 501, 510 (1984); see In re Application of Nat'l B'casting Co., 635 F.2d 945, 952 (2d Cir. 1980) (the constitutional presumption in favor of access to court records requires "the most compelling circumstances" to justify any restriction upon that right).


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